

1 **SENATE CONCURRENT RESOLUTION NO. 17**

2 (By Senators Kessler (Acting President), Browning, McCabe,
3 Palumbo, Plymale, Prezioso, Snyder, Unger, Boley, Hall and
4 Stollings)

5 _____
6 [Originating in the Committee on Rules;
7 reported February 1, 2011.]
8 _____

9
10
11 Adopting joint rules of the Senate and House of Delegates.

12 *Resolved by the Legislature of West Virginia:*

13 That the Joint Rules of the Senate and House of Delegates to
14 be adopted as follows and shall govern the proceedings of the
15 eightieth Legislature, subject to amendment as provided in the
16 standing rules of the Senate and the House of Delegates:

17 **Joint Assembly**

18 1. Whenever there shall be a joint assembly of the two
19 houses, a brief account of the proceedings shall be entered upon
20 the Journal of each house, except in the joint assembly for
21 counting votes for state officers.

22 **Joint Assembly to Open and Publish Election Returns**

23 2. As soon as the Senate, being organized, is informed that
24 the House of Delegates is ready to proceed, as provided by section

1 three of article seven of the Constitution, to open and publish the
2 returns of the election for state officers, the Senate, preceded by
3 its ~~President~~ presiding officer and other officers, shall repair in
4 a body to the hall of the House of Delegates. Upon their arrival
5 the Sergeant at Arms of the House of Delegates shall announce the
6 presence of the Senate. The ~~President~~ presiding officer of the
7 Senate shall then address the Speaker of the House, stating that a
8 majority of the Senate has assembled in the hall of the House of
9 Delegates to be present at the opening and publishing of the
10 returns of the elections for State officers, held on the _____ day
11 of _____. The Speaker of the House of Delegates shall
12 invite the ~~President~~ presiding officer of the Senate to a seat upon
13 his right, and the other members of the Senate and officers thereof
14 to take seats assigned to them, and after announcing that a
15 majority of the House of Delegates is present, shall then open and
16 publish the returns of said election, proceeding by counties in
17 alphabetical order, the Clerks of the two houses each taking down
18 the returns as announced by the Speaker, to be entered upon the
19 Journal of the House, and when completed and tabulated the Speaker
20 shall announce the votes received by each person voted for, for
21 each of said offices, and those receiving the largest number of
22 votes, shall be by him declared duly elected; and the Senate shall
23 then return to its hall, and if any two or more candidates for any
24 of said offices have an equal and the highest number of votes for

1 the same office, the two houses shall immediately proceed to choose
2 one of such persons for said office by a joint vote, as provided by
3 Section 3 of Article VII of the Constitution.

4 **Disagreement and Conference**

5 3. (a) Whenever a measure of one house is amended in the
6 other and the house in which it originated shall refuse to concur
7 in the amendment, the house amending the measure may either insist
8 or recede therefrom. But when a measure originating in one house
9 is amended in the other, the house in which it originated may amend
10 such amendment and a motion therefor shall take precedence of a
11 motion to concur. If said house refuses to concur, the other house
12 may either recede from or insist upon its amendment, and a motion
13 to recede shall take precedence of a motion to insist. The motion
14 to lay on the table or to postpone indefinitely shall not be in
15 order in respect to the motion to recede from or to insist.

16 A motion to recede having failed shall be equivalent to the
17 adoption of a motion to insist and shall be so entered upon the
18 Journal. A motion to insist being decided in the negative shall be
19 equivalent to the adoption of a motion to recede and shall be so
20 entered upon the Journal. If the motion to insist prevails, the
21 house so insisting shall request a committee of conference on the
22 subject of disagreement, and shall appoint a committee therefor.
23 The other house may thereupon appoint such committee. Unless a
24 different number is agreed upon, such conference committee shall

1 consist of five members from each house.

2 Such committee shall consider and report upon only the subject
3 matter of the amendment or amendments which were in disagreement,
4 with necessary consequential changes. The committee shall meet at
5 a convenient time, to be agreed upon by their Chairmen, and upon
6 notifying all conferees of the time and place of any such meeting,
7 and having conferred freely, shall report to their respective
8 houses the result of the conference. In case of agreement, the
9 report shall be first made, with the papers referred accompanying
10 it, to the house which refused to concur, and there acted upon; and
11 such action, with the papers referred, shall be immediately
12 reported by the Clerk to the other house. In case of disagreement,
13 the papers shall remain with the house in which the measure
14 originated. If an agreement is reached, the report shall be made
15 and signed in duplicate by at least a majority of the conferees
16 from each house, one of the duplicates being retained by the
17 conferees of each house.

18 (b) With respect to any conference agreed to within the first
19 fifty-one days of a regular session, the conference committee shall
20 report to each house within seven days of agreement to conference
21 or be discharged, except that upon a concurrent resolution duly
22 adopted by a majority of those present and voting in each house,
23 the ~~President of the Senate and Speaker of the House of Delegates~~
24 presiding officer of each house may extend the conference not to

1 exceed an additional three days. In no event shall a conference
2 committee report to each house later than 9:00 P.M. on the sixtieth
3 day.

4 With respect to any conference agreed to after the fifty-first
5 day of a regular session, or any time during any extraordinary
6 session, the conference committee shall report to each house within
7 three days after agreement to conference or be discharged, except
8 that such conference may be extended by concurrent resolution duly
9 adopted by a majority of those present and voting in each house,
10 for a period not to exceed one additional day. In no event shall
11 a conference committee report to each house later than 9:00 P.M. on
12 the sixtieth day.

13 Any conference committee which fails to report within the time
14 limits established by this rule shall be deemed to be discharged,
15 and the papers referred shall remain with the house in which the
16 measure originated.

17 Any conference report shall, upon recognition by the presiding
18 officer, be communicated to each house by its Clerk and made
19 available to members of each house. Each house shall designate a
20 location or office where copies of such report shall be made
21 available. The Clerk shall communicate availability of conference
22 reports by an announcement to the members of said house during the
23 session. Such announcement can be made at any time upon
24 recognition by the presiding officer, and the Clerk shall duly note

1 the time of said announcement. Except as provided herein, the
2 conference report shall lie over one day and shall not be
3 considered in either house until at least the next day following,
4 but thereafter it shall be proper to take up consideration of the
5 conference report at any time otherwise permitted by the rules of
6 such house whether or not such house met on the preceding day:

7 *Provided*, That after the fifty-ninth day of any regular session or
8 on any day of any extraordinary session a conference committee
9 report may be considered the same day if availability of written
10 copies of such report is communicated to that house while in
11 session at least two hours prior to any consideration: *Provided*,
12 *however*, That the conference report may be taken up for immediate
13 consideration at any time by a two-thirds vote of the members of
14 that house present.

15 Nothing herein shall affect the right of the presiding officer
16 of either house to appoint or discharge any conference committee as
17 heretofore provided, such right to appoint and discharge such
18 committee being subject to the rules of each respective house.

19 The provisions of subsection (b) above shall not apply to the
20 Budget Bill.

21 **Messages Between the Houses**

22 4. When a message is sent by one house to the other, it shall
23 be ~~announced at the door~~ communicated by the Clerk thereof to the
24 Clerk of the house to which it is sent, ~~by the Doorkeeper thereof,~~

~~if it be in session, and then be respectfully communicated to the~~
~~presiding officer by the person by whom it may be sent,~~ but no
message shall be received during a call of the roll. ~~But the~~ The
Clerk of one house may communicate a message to the Clerk of the
other after adjournment, and any message so sent shall be received
by the house to which it is sent whenever it may be in session.

Bill Processing

5. (a) In every regular session beginning after the effective
date of this rule, legislation recommended by the Governor or by
executive departments or agencies is requested to be filed in the
respective Clerks' offices and a copy sent to Legislative Services,
no later than the tenth day of each regular session of a
Legislature.

(b) No bill or joint resolution shall be considered on third
reading in its house of origin after the fiftieth day, unless
authorization shall be granted by a concurrent resolution adopted
by a two-thirds vote of the members present of both houses:
Provided, That the Budget Bill, or any salary or supplementary
appropriation bills may be considered at any time.

(c) This rule may be suspended by adopting a concurrent
resolution approved by a two-thirds majority of those present and
voting in each house. A house desiring to suspend this rule may
adopt a concurrent resolution and proceed as if the concurrent
resolution had been adopted in both houses and the rule suspended.

1 Any bill or joint resolution passed pursuant to such concurrent
2 resolution may be communicated to the other house with the
3 concurrent resolution or at any time after the concurrent
4 resolution has been communicated to the other house. The other
5 house may proceed to consider such bill or joint resolution only
6 after adopting the concurrent resolution. The provisions of this
7 rule shall not apply to any extended regular session or to any
8 extraordinary session.

9 **Processing of Bills Authorizing the Promulgation of Proposed**
10 **Legislative Rules; Duplication and Distribution of Proposed**
11 **Legislative Rules**

12 5a. A "bill authorizing the promulgation of proposed
13 legislative rules" or a "bill of authorization" is a measure
14 intended to be enacted as general law, which incorporates by
15 reference a proposed legislative rule, with or without amendments
16 or substitutions set forth in the bill, and which authorizes the
17 promulgation and implementation of the proposed legislative rule.
18 The processing of bills authorizing the promulgation of proposed
19 legislative rules shall be governed by the standing rules of the
20 Senate and the House of Delegates, which are supplemented by the
21 provisions of this joint rule. In the case of any conflict between
22 this rule and a standing rule of the Senate or the House of
23 Delegates, the provisions of this rule shall control.

24 (1) The requirement of either house that bills shall be

1 presented in ~~quadruplicate~~ duplicate applies to bills authorizing
2 the promulgation of proposed legislative rules, but does not apply
3 to the proposed legislative rule which the bill incorporates by
4 reference. Of the ~~quadruplicate~~ duplicate copies, only the
5 designated original copy shall have appended thereto the full text
6 of the proposed legislative rule as finally approved by the agency
7 seeking permission for its promulgation. Other copies of the full
8 text of the proposed legislative rule shall be made available to
9 members of the Legislature as hereinafter provided.

10 (2) Copies of the full text of each proposed legislative rule
11 shall be reproduced by printing or duplication by the Clerk prior
12 to, or as soon as is reasonably practicable after, the introduction
13 of the bill which would authorize by law the promulgation of the
14 proposed legislative rule. Prior to such printing or duplication,
15 a notation shall be affixed to the proposed legislative rule which
16 identifies the bill number of the introduced bill which would
17 authorize its promulgation and which also identifies the committee
18 or committees of the house to which the bill is to be referred by
19 the presiding officer following its introduction. Otherwise, the
20 copies printed or duplicated shall conform to the copy of the
21 proposed legislative rule appended to the original bill, so as to
22 facilitate the consideration and amendment of the rule throughout
23 the legislative process.

24 (3) The Clerk shall furnish to any member, upon his or her

1 request, without cost, one copy of the full text of a proposed
2 legislative rule as reproduced by the Clerk in accordance with the
3 provisions of subsection (2) of this joint rule. For any request
4 for an additional copy or copies of the proposed legislative rule,
5 the member requesting the copy or copies shall pay to the Clerk, in
6 advance, a charge which the Clerk has reasonably determined to be
7 adequate to cover the actual cost of the printing or duplication:
8 *Provided*, That the provisions herein for the Clerk to furnish a
9 member with an additional copy or copies, with a cost charged, may
10 not interfere with or delay the prompt and otherwise timely
11 consideration of bills of authorization by the house or its
12 committees or subcommittees.

13 (4) Whenever the standing rules of either house require the
14 printing or reprinting of a bill, the rules apply to bills
15 authorizing the promulgation of a proposed legislative rule with
16 the same force and effect as they apply to other bills. However,
17 no printing or reprinting of the proposed legislative rule which is
18 incorporated by reference in the bill of authorization shall be
19 required, other than the printing required by subsection (2) of
20 this joint rule.

21 (5) Whenever the standing rules of either house require a bill
22 to be read, or fully and distinctly read, the rules apply to bills
23 authorizing the promulgation of a proposed legislative rule with
24 the same force and effect as they apply to other bills. However,

1 no reading of the proposed legislative rule which is incorporated
2 by reference in the bill of authorization shall be required.

3 **One House to Notify Other of Rejection of Bill**

4 6. When a bill or resolution passed in one house is rejected
5 in the other, notice thereof shall be sent to the house in which
6 the same shall have been passed.

7 **Record of Bills and Resolutions**

8 7. The Clerks of the two houses shall keep separate records
9 or registers, in which shall be recorded every action taken by the
10 Senate and House on each bill and resolution.

11 **Clerks to Endorse Bills**

12 8. The Clerks of the two houses shall endorse on each bill a
13 statement of any action taken by their respective bodies.

14 **Notice to Be in Writing**

15 9. Notice to either house of the action of the other shall be
16 in writing, signed by the Clerk of the house giving such notice.

17 **Each House to Have Control of Own Printing**

18 10. Each house may order the printing of bills, resolutions,
19 reports, and other documents without the consent of the other.

20 **Joint Committees**

21 11. Joint standing committees of the Senate and House shall
22 be appointed as follows:

23 (1) *Joint Committee on Enrolled Bills* -- To consist of five
24 members from each house.

1 (2) *Joint Committee on Joint Rules* -- To consist of the
2 presiding officers and two members of each house, to be appointed
3 by the presiding officers.

4 (3) Such other joint committees as may be provided for by
5 concurrent resolution. A bill or resolution referred to a joint
6 committee may be recalled from such committee by the house in which
7 it originated.

8 **Engrossed Bills to Be Filed with Clerk of the House**

9 12. All engrossed bills passed by, and joint and concurrent
10 resolutions adopted by, both houses shall be filed with the Clerk
11 of the House to be kept with the rolls of the Legislature and to be
12 used by him in printing and publishing the Acts of the Legislature.

13 **Joint Committee on Enrolled Bills**

14 13. The Joint Committee on Enrolled Bills shall consist of
15 five members of the Senate and five members of the House of
16 Delegates, to be appointed by the presiding officer of each house,
17 whose duty it shall be to compare carefully all bills and joint
18 resolutions passed by both houses, with the enrollment thereof, and
19 to correct any errors or omissions they may discover and to make
20 reports to their respective houses from time to time, of the
21 correctly enrolled bills or joint resolutions. It shall be in
22 order for the Joint Committee on Enrolled Bills to report at any
23 time.

24 **Printing Enrolled Bills**

1 14. After a bill has been passed by both houses, the type
2 from which it was originally printed shall be corrected as to any
3 typographical errors that may not previously have been corrected
4 and to include any amendments that may have been made by either
5 house since the last printing of the bill. After the type has been
6 so corrected, three hundred fifty copies of the bill shall be
7 printed (except charter bills, of which only twenty-five of each
8 shall be printed). Twelve of these copies shall be on seven and
9 one-fourth by ten bond paper, twenty-pound basis of at least fifty
10 percent rag content for the use of the Joint Committee on Enrolled
11 Bills, one of which copies, when properly authenticated, shall
12 become the Enrolled Bill, and the remainder shall be on
13 twenty-pound basis, sulphite bond paper. From these copies all
14 judges shall be furnished enrolled bills as provided for in section
15 fourteen, article one, chapter four of the code. In the case of
16 enrolled bills authorizing the promulgation of a proposed
17 legislative rule, a copy of the full text of the proposed
18 legislative rule which the bill incorporates by reference shall be
19 appended to the bill which has been properly authenticated and
20 designated to be the Enrolled Bill. The copy appended to the
21 Enrolled Bill shall conform to the copy of the full text of the
22 proposed legislative rule appended to the introduced bill. Copies
23 of the proposed legislative rule shall not be appended to the
24 additional copies of the Enrolled Bill. Following action by the

1 Governor, or the failure or refusal of the Governor to approve or
2 disapprove a bill of authorization, the copy of the Enrolled Bill
3 with the proposed legislative rule appended shall be the copy of
4 the bill filed with the Secretary of State in accordance with the
5 provisions of Rule 18 of these Joint Rules.

6 **Authentication of Enrolled Bills**

7 15. Enrolled Bills shall be authenticated by the signature of
8 the Chairman of the House Committee and the Chairman of the Senate
9 Committee, composing such Joint Committee on Enrolled Bills, but in
10 the absence of such Chairman another member of the committee may
11 act in his stead, and they shall require all bills and joint
12 resolutions before such authentication to be free from
13 interlineations or erasures and destroy any previous enrollment
14 containing any interlineations or erasures. A certificate, showing
15 in which house the bill originated and when it takes effect, signed
16 by the Clerks of the two houses, shall be endorsed on the bill.
17 After enrolled bills and joint resolutions are authenticated as
18 aforesaid, they shall be signed by the ~~Speaker of the House and by~~
19 ~~the President of the Senate~~ presiding officer of each house.

20 **Presenting Bills to Governor**

21 16. After a bill shall have thus been signed in each house,
22 it shall be presented by the said committee to the Governor, for
23 his approval. The said committee shall report the day of
24 presentation to the Governor, which time shall be entered on the

1 Journal of each house.

2 **Record of Enrolled Bills**

3 17. It shall be the duty of the ~~Committee on Enrolled Bills~~
4 Clerk of the House, as Keeper of the Rolls of the Legislature, to
5 keep a record book of all bills presented to the Governor for his
6 approval. The title and number of each bill presented to the
7 Governor shall be entered in this book, and when a bill is
8 presented to him, the date presented and the signature of the
9 Governor, showing receipt of same, shall be entered at the side of
10 each title.

11 **Action of Governor on Bills**

12 18. When the Legislature is in session, any bill, including
13 an appropriation bill or any part thereof, disapproved by the
14 Governor shall be returned by him to the house in which it
15 originated, with his objections thereto, within five days after
16 receipt thereof, Sundays excepted, or become a law. If the
17 Legislature, by adjournment, prevents the return of a disapproved
18 bill, other than an appropriation bill, within such time, it shall
19 be filed by the Governor in the office of the Secretary of State
20 with his objections within fifteen days, after adjournment, or
21 become a law. If the Legislature, by adjournment, prevents the
22 return of a disapproved appropriation bill or any part thereof, it
23 shall be filed by the Governor in the office of the Secretary of
24 State with his objections within five days after adjournment, or

1 become a law. When any bill, including an appropriation bill or
2 any part thereof, is disapproved after adjournment of the
3 Legislature and such bill with the Governor's objections is filed
4 in the office of the Secretary of State within the prescribed time
5 as aforesaid, the Governor shall notify the house in which the bill
6 originated of his action.

7 Every bill approved by the Governor shall, within the
8 prescribed time after it is presented to him, as aforesaid, be
9 filed by the Governor in the office of the Secretary of State and
10 the fact of such approval communicated by the Governor to the house
11 in which said bill originated.

12 Any bill which shall be neither approved nor disapproved by
13 the Governor shall immediately after the expiration of the time
14 fixed by the Constitution in which he may disapprove the same, be
15 filed in the office of the Secretary of State, who shall forthwith
16 engross thereon a certificate to the following effect: "I certify
17 that the foregoing act, having been presented to the Governor for
18 his approval, and not having been returned by him to the house of
19 the Legislature in which it originated within the time prescribed
20 by the Constitution of the State, has become a law without his
21 approval", and shall date and sign the same. The Governor shall
22 notify the house in which the bill originated of each bill becoming
23 a law without his approval.

24 When a bill is returned to either house of the Legislature

1 with the objections of the Governor, proceedings thereon shall be
2 governed by section fourteen, article seven of the State
3 Constitution. In such cases the Clerk of the Senate and the Clerk
4 of the House of Delegates shall engross the action, if any, of
5 their respective houses on the reconsideration of the bill, and
6 sign the same.

7 The action of the Governor on all bills presented to him shall
8 be appropriately noted in the Journals of the two houses.

9 **Joint Meetings of Committees**

10 19. Whenever any bill has been referred by the Senate to one
11 of its standing committees, and the same or like bill has been
12 referred by the House to one of its committees, the Chairmen of the
13 respective committees, when in their judgment the interest of
14 legislation or the expedition of business will be better served
15 thereby, may arrange for a joint meeting of their committees for
16 the consideration of such bill. All joint committee meetings shall
17 be presided over by the Chairman of the Senate committee.

18 **What Shall Be Printed in the Journal**

19 20. The following shall always be printed in the Journal of
20 each house:

21 (a) Messages from the Governor and messages from the other
22 house, the titles of all bills and the title and text of all
23 resolutions.

24 (b) A record of all votes taken by yeas and nays as required

1 by the Constitution, the rules of the respective houses and these
2 rules; and a brief statement of the contents of each petition,
3 memorial, or paper presented to each house.

4 (c) A true and accurate account of the proceedings of each
5 house.

6 **Manner of Printing the Journal and Bills**

7 21. In printing the daily Journal of the proceedings of each
8 house there shall be printed at the top of each page, except the
9 first, the date of the Journal; and on the last page of each day's
10 Journal shall be printed the calendar for the next day.

11 At the top of the first page of each bill, preceding the title
12 and number thereof, there shall be printed the name of the person
13 by whom or the committee by which it was introduced and the date of
14 introduction; and at the top of each page, except the first, shall
15 be printed the number of the bill.

16 **Regulation and Use of Legislative Offices, Chambers, Halls,** 17 **Stairways and Corridors**

18 22. ~~The President of the Senate and the Speaker of the House~~
19 ~~of Delegates~~ The presiding officer of each house shall have power
20 to assign and regulate the office space in the portions of the
21 Capitol used by their respective houses and to grant permission for
22 the use of such space and the legislative Chambers for other than
23 legislative purposes. They shall also have jurisdiction over all
24 halls, stairways and corridors in the areas used by their

1 respective houses. The presiding officers may submit any question
2 or request arising under the foregoing provisions of this rule to
3 the Committee on Rules of their respective houses for determination
4 and action.

5 The area on the second floor between the legislative Chambers
6 and surrounding the rotunda on the second floor shall be under the
7 jurisdiction of the Joint Committee on Rules. It shall be the duty
8 of this committee to maintain and preserve the aesthetic features
9 of this area of the Capitol. No display or exhibition of any
10 material or objects in this area shall be permitted without
11 approval of the committee.

12 Attaching pictures, posters, cards or placards on the walls in
13 any manner whatsoever in the halls, stairways and corridors in the
14 areas used by the respective houses and in the area between the
15 legislative Chambers surrounding and to the east and west of the
16 rotunda is prohibited.

17 **Resolutions**

18 23. Resolutions requiring concurrent action may originate in
19 either house, and shall be of two kinds, namely:

20 *Joint Resolutions:* These resolutions shall be used for
21 proposing amendments to the State Constitution and for ratifying
22 amendments to the Constitution of the United States. Joint
23 resolutions proposing amendments to the State Constitution shall be
24 adopted as provided in section two, article fourteen of said

1 Constitution.

2 *Concurrent Resolutions:* Such resolutions shall be used for
3 all purposes not covered by joint resolutions as defined above.

4 **Suspension of Joint Rules**

5 24. No Joint Rule shall be suspended, except by a two-thirds
6 vote of each house, and unless there be unanimous consent, such
7 vote shall be taken by yeas and nays.

8 **Transfer Amounts Between Items**

9 25. The Clerk of the Senate, with the approval of the
10 ~~President~~ presiding officer, is authorized to make written request
11 to the State Auditor for the transfer of amounts between items of
12 the total appropriations for the Senate, in order to protect or
13 increase the efficiency of the service. Upon receipt of such
14 written request, the State Auditor shall transfer the amounts as
15 requested.

16 26. The Clerk of the House of Delegates, with the approval of
17 the ~~Speaker~~ presiding officer, is authorized to make written
18 request to the State Auditor for the transfer of amounts between
19 items of the total appropriations for the House of Delegates, in
20 order to protect or increase the efficiency of the service. Upon
21 receipt of such written request, the State Auditor shall transfer
22 the amounts as requested.

23 27. The Clerk of the Senate and the Clerk of the House of
24 Delegates, with the approval of the ~~President and Speaker~~ presiding

1 officers, are authorized to make a joint written request to the
2 State Auditor for the transfer of amounts between items of the
3 total appropriations for joint expenses of the Legislature, in
4 order to protect or increase the efficiency of the service. Upon
5 receipt of such written request, the State Auditor shall transfer
6 the amounts as requested.

7 **Lobbying**

8 28. (Rescinded by SCR 2, 2nd Ex. Sess., 1990)

9 **Joint Committee on Pensions and Retirement**

10 29. (a) A joint standing committee of the Senate and House of
11 Delegates, named the Joint Committee on Pensions and Retirement,
12 shall continually study and investigate public retirement systems.
13 All pension and retirement related legislation introduced in the
14 Legislature shall be referred to the committee in addition to any
15 other reference the presiding officer may designate. Upon
16 reference of any pension or retirement related legislation, the
17 committee shall forward such legislation to the actuary of the
18 Consolidated Public Retirement Board or other actuary or actuarial
19 firm who shall return an actuarial letter or note to the committee
20 prior to the committee's consideration of such legislation.

21 (b) The committee shall consist of seven members of the Senate
22 to be appointed by the ~~President~~ presiding officer of the Senate
23 and seven members of the House of Delegates to be appointed by the
24 ~~Speaker~~ presiding officer of the House of Delegates. If possible,

1 no more than five of the seven members appointed by the ~~President~~
2 ~~of the Senate and the Speaker of the House of Delegates~~ presiding
3 officers of the Senate and the House of Delegates, respectively,
4 may be members of the same political party.

5 (c) The committee shall make a continuing study and
6 investigation of retirement benefit plans applicable to nonfederal
7 government employees in this state. The powers and duties of the
8 committee include, but are not limited to, the following:

9 (1) Studying retirement benefit plans applicable to nonfederal
10 government employees in the state of West Virginia, including,
11 without limitation, federal plans available to such employees;

12 (2) Making recommendations within the scope of the study with
13 particular attention to financing of the various pension funds and
14 financing of accrued liabilities;

15 (3) Considering all aspects of pension planning and operation,
16 and making recommendations designed to establish and maintain sound
17 pension policy as to all funds;

18 (4) Filing a report to each regular session of the Legislature
19 concerning activities conducted between sessions;

20 (5) Analyzing each item of proposed pension and retirement
21 legislation, including amendments thereto, with particular
22 reference to analysis as to cost, actuarial soundness, and
23 adherence to sound pension policy, and reporting of its findings in
24 regard thereto to the Legislature; and

1 (6) Maintaining reference materials concerning pension and
2 retirement matters, including, without limitation, information as
3 to laws and systems in other states.

4 (d) The committee shall hold meetings at such times and places
5 as it may designate. ~~The President of the Senate shall appoint a~~
6 ~~cochair of the committee from the Senate members and the Speaker of~~
7 ~~the House of Delegates shall appoint a cochair of the committee~~
8 ~~from the House of Delegates members~~ The presiding officer of each
9 house shall appoint a cochair of the committee. When the
10 Legislature is not in session, the committee shall meet and conduct
11 its business as a joint committee.

12 When the Legislature is in session, in addition to joint
13 meetings, the members of either house may meet separately from
14 members of the other house to conduct committee business concerning
15 pension and retirement related legislation introduced or originated
16 in that house. When the members meet separately, they may function
17 as other committees of that house. As far as practicable, relevant
18 information, including actuarial letters or notes, gathered by
19 members meeting separately from the other house shall be sent to
20 the cochair of the other house if it is considering the same or
21 similar legislation.

22 **Bill Carryover**

23 30. (Rescinded by SCR 1, Reg. Sess., 1988)

24 **Governing Powers**

1 31. ~~The President of the Senate and Speaker of the House of~~
2 ~~Delegates~~ presiding officers of each house shall have the power to
3 and are hereby authorized to act on behalf of the Legislature as
4 required by the business and legal affairs of the Legislature
5 unless otherwise directed by a majority vote of both houses while
6 the Legislature is in session or by the majority vote of the Joint
7 Committee on Government and Finance while the Legislature is not in
8 session.

9 **Receipt of Constitutional Petitions and Resolutions**

10 32. Any application from a county commission or a verified
11 petition from the voters of a county seeking to reform, alter or
12 modify a county commission pursuant to Article IX, Section 13 of
13 the West Virginia Constitution and any related documents that may
14 be subsequently submitted shall be filed with the Clerk of the
15 Senate and the Clerk of the House of Delegates. The Clerk of the
16 Senate and the Clerk of the House of Delegates shall verify that
17 the application, petition or related document has been properly
18 submitted to the other clerk before processing it in his or her
19 respective house. Such applications, petitions and related
20 documents not submitted to both the Clerk of the Senate and the
21 Clerk of the House of Delegates will not be submitted to either
22 house for processing or consideration by the Legislature.

23 When the Legislature is not sitting in regular session, upon
24 receipt of an application, petition or related document from a

1 county commission by the Clerk of the Senate and the Clerk of the
2 House of Delegates, it shall be processed as a regular order of
3 business at the next regular session following receipt of the
4 application, petition or related document.

5 Effective with the 2009 regular session of the Legislature,
6 an application or petition to reform, alter or modify a county
7 commission filed with the Legislature on or after the tenth day of
8 a regular legislative session may not be processed or considered by
9 the Legislature until the next regular legislative session.

10 An application or petition to reform, alter or modify a county
11 commission filed with the Legislature is only valid for the session
12 in which it was processed and such application or petition not
13 acted upon during that session is null and void.

14 If an application or petition to reform, alter or modify a
15 county commission filed with the Legislature is determined by the
16 Legislature to have an unconstitutional provision, then the
17 Legislature may: (a) Request that the application or petition be
18 corrected and resubmitted; or (b) make changes necessary to meet
19 the constitutional objection. A corrected application or petition
20 may be processed by the Legislature if there is sufficient time
21 remaining in the session for full consideration. If any request by
22 the Legislature to correct an application or petition prevents full
23 consideration of that application or petition during the session in
24 which it would have been considered, the House and the Senate may

- 1 process the corrected application or petition at the next regular
- 2 session.